



Information Network of Kansas

Subject: Open Public Records  
Information Contact: INK Executive Director  
Effective: 11/1/02

## **POLICY STATEMENT**

Requests for access to Information Network of Kansas public records shall be considered in a timely manner and permitted in accordance with state law. In addition, requests for access to public records of another agency through INK, as set forth in K.S.A. 74-9302, shall be maintained and released in accordance with all applicable state and federal laws governing the release of such information by that agency and any contractual agreements in place between INK and that agency.

### **DEFINITIONS:**

#### Public Record.

Public record means, any recorded information, regardless of form or characteristics, that is made, maintained, kept by or is in the possession of any public agency including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund. (K.S.A. 45-217(f)(1)).

#### Open Public Record.

A public record that must be accessible to members of the public in accordance with state law.

#### Exempt Public Record.

Categories of records that are included in the definition of public record but exempt from mandatory disclosure under state law. These exemptions do not prohibit disclosure of such records, however, there is no statutory right to gain access to these records.

#### Records Custodian.

INK Executive Director

#### Agency

The word "agency" shall mean any agency or instrumentality of the state of Kansas which stores, gathers or generates public information. (K.S.A. 74-9301(d)).

## **PROCEDURAL GUIDELINES:**

### Access Requests

Requests to inspect or copy public records shall be directed in writing to the INK Records Custodian at the following address:

Information Network of Kansas  
632 SW Van Buren Suite #100  
Topeka, KS 66603

Business Hours:

8:00 am – 5:00 pm

Monday through Friday\*

\* except official Holidays of the State of Kansas

The attached form may be copied and used, but shall not be required for this purpose. INK personnel receiving such requests shall forward them to the Records Custodian or designated personnel. Request for access to other agencies records, via the services provided by INK, shall be submitted in accordance with all state and federal laws governing the request and release of such information and any contractual agreements between INK and the agency.

### Response to Requests

The Records Custodian or designated personnel shall be responsible for responding to requests to inspect or receive copies of public records. Record access or copies shall be provided in a timely manner, not to exceed three business days from the date the written request is received. If INK is unable to provide the requested public records within three days, the Records Custodian or designated personnel shall send a written explanation to the requestor within three business days.

### Denial of Requests

The Records Custodian or designated personnel responsible for maintaining the requested record may deny a request for access for any of the following reasons:

- The requested record is exempt from disclosure;
- The request places an unreasonable burden on INK in producing public records;
- The request is likely to disrupt essential operations of INK.

The Records Custodian or designated personnel shall be responsible for sending a written denial to the requestor, disclosing the reason for denial, within three business days from the date the request is received. The attached, "Request for Access to Public Records," may be used for the written denial. The original shall be sent to the requestor, one copy shall be forwarded to the INK Board of Directors Chairman and one copy shall be forwarded to INK attorney.

The Records Custodian or designated personnel shall direct the requestor to the INK attorney if there is a question or protest concerning the denial of a request. The INK attorney shall review the stated reasons for the denial and advise the requestor of the appeal procedure provided by state law if disagreement still exists.

#### Access and Duplication

Open records that are made available to persons requesting them may be copied. "Copy" includes handwritten notes made from a record, photocopying, or other reproduction methods made available by INK. All copies shall be made under the supervision and control of the INK Records Custodian or designated personnel or made only with the approval of the INK attorney.

Original INK records shall not be released except by court order.

All INK personnel shall comply with federal copyright laws and deny requests to make copies of records such as books, manuals, and tapes that are copyrighted by a party other than INK. The INK attorney shall inform anyone requesting such materials of the federal copyright laws.

INK is not required to provide copies of copyrighted radio or recording tapes or discs, videotapes or films, pictures, slides, graphics, illustrations, or similar audio or visual items or devices, unless such items or devices were played at a public meeting.

The Records Custodian or designated personnel or INK attorney may separate the exempt portions of a record from the parts that are open when a request is submitted for a public record in which part is disclose able and part is exempted from disclosure.

#### Fee Assessment

INK may charge a fee for providing access to, or furnishing copies of, public documents. Such fees shall cover the actual costs incurred to furnish the copies including expenses for labor, materials and equipment. In addition, sales tax shall be collected on such copies. Fees for access or copies of INK records shall be estimated before copying occurs using the approved fee schedule (see Attachment A).

Fees shall not be assessed for documents where original distribution is made to the public or dissemination is part of the normal routine operation and procedure of INK.

The following process shall be followed when fees are assessed for a request:

- The Records Custodian or designated personnel shall supply the requestor with the total costs including the number and type of copies and time spent by INK personnel at the appropriate hourly wage. Upon request an estimate shall be made prior to supplying the information.
- The Records Custodian or designated personnel shall notify the requestor the amount of the fee estimate when requested.
- The Records Custodian or designated personnel may request charges to be paid prior to granting access or making copies.

The INK Records Custodian or designated personnel shall be responsible for collecting all fees charged in relation to access or copying of public records and remitting them to the INK Treasurer for deposit and transfer to the appropriate INK account.

Fees associated with the release of other agency records, via the services provided by INK, shall be assessed in accordance with all state and federal laws and any contractual agreements between INK and that agency.

#### Remittance of Fees

The Records Custodian or designated personnel shall remit monies and sales tax received in relation to requests for access or copies of public records to the INK Treasurer.

Fees collected as a result of the release of another agencies records via the services provided by INK, shall be assessed in accordance with all state and federal laws and any contractual agreements between INK and that agency.

## **Attachment A**

### **FEE SCHEDULE FOR REPREDUCED PUBLIC RECORDS**

K.S.A. 45-219(5). Fees for access to or copies of public records of a public agency within the executive branch of the state government shall be established by the agency head. Any person requesting records may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the Secretary of Administration, whose decision shall be final. A fee for copies of public records which is equal to or less than \$.25 per page shall be deemed a reasonable fee.

The following are the approved rates for supplying documents under the Kansas Open Records Act.

<u>ITEM</u>	<u>COST</u>
Xerox Copy – all sizes on office copier	\$.25/page
Xerox Copy – color (8.5"x11")	\$.59/copy
Facsimile Transmission	\$.25/page
CD-ROM	\$1.00/CD
3.5" Computer Diskette	\$1.00/diskette

Any items not listed above shall be billed to the requestor for the actual cost incurred. Fees shall include the actual cost for labor, materials and equipment. The above fees do not include the staff time required to respond to requests.

INK has sole discretion as to what documents may be transmitted through the email system. If INK does not forward the documents through the email system, the documents will be forwarded by an alternate means of transmittal such as CD-ROM or 3.5" diskette and actual costs will be charged for the materials.

Information Network of Kansas  
REQUEST FOR ACCESS TO PUBLIC RECORDS

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K.S.A. 21-3914 states as follows:

"(a) Except to the extent otherwise authorized by law, no person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records. (b) Violation of this section is a Class C misdemeanor.

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Name: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Company Name or Firm (optional): \_\_\_\_\_

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Phone number where you can be reached during business hours:

\_\_\_\_\_

Description of Records Requested:

What type of records are you requesting? (annual report, aerial photos, meeting minutes, manuals etc.) Be as specific as possible. If you need more room, please use additional sheets of paper of the back of this sheet.

\_\_\_\_\_

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What time frame? (July 1994 to present, most current, last two years etc.).

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Any additional details that will aid in quickly locating the documents you are requesting.

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Pursuant to K.S.A. 45-218 and 45-219, actual agency costs incurred in responding to your request will be assessed. Actual agency costs include any personnel time involved as well as any document copies provided to you. A statement of charges will be included with documents provided to you.

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Request Approved: ☐ Request Completed By: \_\_\_\_\_

Request Denied: ☐

Reason for Denial: \_\_\_\_\_

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